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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
ORACLE AMERICA, INC., a Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
AND SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-VCF

**ORACLE'S MOTION TO SEAL
PORTIONS OF ITS SURREPLY AND
SUPPORTING EXHIBITS**

Judge: Hon. Larry R. Hicks

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010 (ECF No. 55, “Protective Order”), Local Rule 10-5(b), and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corporation (collectively “Oracle”) respectfully request that the Court grant leave to file under seal portions of Oracle’s Surreply in Opposition to Rimini’s Motion to Stay Enforcement of Permanent Injunction and supporting documents (“Surreply and Supporting Documents”). A public, redacted version was filed on October 27, 2016. *See* ECF Nos. 1087 (Surreply), 1087-3 (Kennamer Decl., Ex. 2), and 1087-4 (Kennamer Decl., Ex. 3). An unredacted version of each document will be subsequently filed under seal with the Court and linked to the filing of this Motion.

Oracle requests that the Court seal portions of Oracle’s Surreply and Supporting Documents because those documents contain information that Rimini has designated as “Confidential Information” or “Highly Confidential Information – Attorneys’ Eyes Only” under the terms of the Protective Order.

The Protective Order provides that: “Counsel for any Designating Party may designate any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information - Attorneys’ Eyes Only’ under the terms of this Protective Order **only if such counsel in good faith believes that such Discovery Material contains such information and is subject to protection under Federal Rule of Civil Procedure 26(c)**. The designation by any Designating Party of any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information –Attorneys’ Eyes Only’ shall constitute a representation that an attorney for the Designating Party reasonably believes there is a valid basis for such designation.” Protective Order ¶ 2 (emphasis added).

Thus, with respect to the portions of Oracle’s Surreply and Supporting Documents containing material that Rimini has designated Confidential or Highly Confidential, Rimini contends that that those portions are subject to protection under Federal Rule of Civil Procedure 26(c) and should be filed under seal, and Oracle, as the filing party, makes this request. Oracle does not independently contend that these portions are subject to such protection, but makes this

1 request pursuant to ¶ 14 of the Protective Order.

2 Oracle has submitted all other portions of its Motion to Strike and Supporting Documents
3 for filing in the Court's public files, which will allow public access to the filing except for the
4 portions containing information that Rimini has designated as Confidential or Highly
5 Confidential. Accordingly, this request to seal is narrowly tailored.

6 For the foregoing reasons, Oracle respectfully requests that the Court grant leave to file
7 under seal portions of Oracle's Motion to Strike and Supporting Documents.

8 Dated: October 27, 2016

MORGAN, LEWIS & BOCKIUS LLP

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10 By: /s/ Thomas S. Hixson
11 Thomas S. Hixson
12 Attorneys for Plaintiffs
13 Oracle USA, Inc.,
14 Oracle America, Inc. and
15 Oracle International Corporation
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CERTIFICATE OF SERVICE

I certify that on October 27, 2016, I electronically transmitted the foregoing **ORACLE'S MOTION TO SEAL PORTIONS OF ITS SURREPLY AND SUPPORTING EXHIBITS** to the Clerk's Office using the Electronic Filing System pursuant to Local Rules Part IC.

Dated: October 27, 2016

Morgan, Lewis & Bockius LLP

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